

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 3, 2016

Elisabeth A. Shumaker  
Clerk of Court

ROBERT COTNER,

Petitioner - Appellant,

v.

WARDEN BEAR,

Respondent - Appellee.

No. 16-6040  
(D.C. No. 5:15-CV-001183-M)

ORDER

After this pro se § 2241 appeal was opened, we issued an order to show cause regarding the appellant's failure to comply with this court's filing restrictions order entered in *Cotner v. Boone*, No. 01-7096, 48 F. App'x 287, 290 (10th Cir. Sept. 13, 2002) (unpublished). Our February 10, 2016 order warned that "[f]ailure to respond to, or failure to comply in any way with, this order to show cause may be grounds for dismissal without further notice" (emphasis added).

On February 29, 2016, the appellant filed his "Request for Leave to File a Pro Se Proceeding with Attached List and Copy of Order and a Notarized Affidavit." After carefully reviewing the appellant's request, we have determined that the request does not fully comply with the filing restrictions order or our February 10 order to show cause. This appeal is therefore dismissed. 10th Cir. R. 42.1.

The appellant's request to proceed pro se in this appeal fails to satisfy the requirements of our 2002 filing restrictions order in too many ways to list here. By way of example, however, we identify these specific problems with the current request:

1. This particular appeal is a habeas corpus proceeding. The filing restrictions order requires a separate statement from the appellant regarding duplication of arguments made in previous habeas applications. The appellant included no such statement.
2. The appellant lists tens of cases (perhaps more than 100) in a haphazard, unorganized, and partly illegible format. Some case numbers and names cannot be read at all. For others, we cannot determine with certainty the originating court of the listed cases. The appellant has had numerous opportunities to create a legible and useful list of prior cases (he has filed no fewer than 13 cases in this court since 2010, years after the filing restrictions order was entered), but the list presented here is inadequate and noncompliant.
3. The filing restrictions order requires the appellant for each prior case to identify "the current status or disposition of each proceeding." For many cases listed, the appellant states that the case "settled out of court." We picked at random a selection of the listed cases where the appellant stated that the case was settled and reviewed the corresponding district court dockets for those cases. In none of the cases we selected did the district court docket reflect a settlement and voluntary dismissal by the parties. We note that the appellant has previously submitted a list of cases with similar dispositions identified, and

the court denied the appellant's request to proceed pro se. *See Cotner v.*

*McCollum*, No. 14-6127 (Order of Chief Judge 7/11/14).

As noted above, the deficiencies listed above reflect only some of the problems with the current request to proceed pro se. Because the instant request does not comply with either the filing restrictions order or our February 10 order, we are dismissing the appeal. 10th Cir. R. 42.1.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith  
Counsel to the Clerk